



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

201

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,284	06/13/2001	Tomoyasu Amano	2001-0287A	6233
513	7590	04/11/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			CHEVALIER, ROBERT	
		ART UNIT	PAPER NUMBER	
			2616	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/787,284	AMANO, TOMOYASU	
Examiner	Art Unit		
Bob Chevalier	2616		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,7 and 8-9 is/are rejected.
 7) Claim(s) 4-6 and 10-12 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, and 7-8, are rejected under 35 U.S.C. 102(e) as being anticipated by Park.

Park discloses an audio/video playback apparatus that shows all the limitations recited in claims 1, and 7, including the feature of controlling a decoder included in an AV decoding/playback apparatus which decodes and plays back a bit stream including MPEG video data and audio data, the decoder is controlled so that it performs a trick play by continuously displaying I pictures of the MPEG video data (See Park's Figure 1, component 75, and column 3, lines 39-41), and the feature of the plurality of bit streams being separately and sequentially input to the AV decoder and decoded (See Park's claims 5-6), and the feature of the I pictures included in these bit streams being continuously displayed while sequentially updating the I pictures as specified in the present claims 1, and 7. (See Park's column 3, lines 54-60, where it is disclosed the capability of displaying the decoded I picture in the fast replay mode until the next picture is searched, decoded (or updated as claimed)).

With regard to claims 2, and 8, the feature of continuously displaying the current I picture until the displayed I picture is updated as specified thereof would be present in the cited reference of Park. (See Park's column 3, lines 54-60, where it is disclosed the capability of displaying the decoded I picture in the fast replay mode until the next picture is searched, decoded (or updated as claimed)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Official Notice.

Park discloses a video/audio reproducing apparatus that shows substantially the same limitations recited in claims 3, and 9, including the feature of storing inputted bit stream of data in a buffer as specified in the present claims 3, and 9. (See Park's column 2, lines 49-52).

Although Park discloses the capability of storing inputted bit stream of data in a buffer, Park fails to specifically disclose the feature of when inputting bit stream to the decoder, previously inputted bit stream of data which has been stored in the buffer is erased as specified in the present claims 3, and 9.

Examiner takes Official Notice in that it is notoriously well known in the video/audio recording/reproducing art to have a buffer means being connected at the

reproducing/decoding means of such a recording/reproducing apparatus, wherein the buffer would only be able to store one picture at the time, so that, when inputting newly bit stream of data to the decoder/buffer at reproduction operation, previously inputted bit stream of data which has been stored in said buffer would be erased for the purpose of having a better control over the transmission rate of data.

It would have been obvious to one skilled in the art to modify the Park's apparatus wherein the decoding/memory means provided thereof (See Park's column 2, lines 49-52, and further, see Park's Figure 1, component 30) would incorporate the capability of storing the picture in said memory in a manner that when inputting newly bit stream of data to the decoder/buffer at reproduction operation, previously inputted bit stream of data which has been stored in said buffer would be erased in the same conventional manner as is well known in the art. Examiner has taken Official Notice. The motivation is to having a better control over the transmission rate of data as suggested in the prior art.

5. Claims 4-6, and 10-12, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al discloses a picture reproduction apparatus and picture decoding apparatus.

Yanagihara discloses a recording/reproducing of variable speed playback data using a specific area on each track of a recording medium.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
April 6, 2005


ROBERT CHEVALIER
PRIMARY EXAMINER